

EXHIBIT 32

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL PRESCRIPTION : MDL NO. 2804
6 OPIATE LITIGATION :
7 _____ :
8 THIS DOCUMENT RELATES TO: : Case No. 17-md-2804
9 Case Track 8 :
_____ :

10 Wednesday, December 14, 2022

11 HIGHLY CONFIDENTIAL
12 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

13

14 Remote videotaped deposition of
15 MICHAEL CHAVEZ, commencing at 9:02 a.m., on the above
16 date, before Carol A. Kirk, Registered Merit
17 Reporter, Certified Shorthand Reporter, and Notary
18 Public.

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13 Bill Geigert, Videographer
14 Gina Veldman, Trial Tech

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2 P R O C E E D I N G S

3 - - -

4 THE VIDEOGRAPHER: Good morning.

5 We are now on the record. My name is

6 Bill Geigert. I'm a videographer for

7 Golkow Litigation Services.

8 Today's date is December 14, 2022,

9 and the time is 9:02 a.m.

10 This remote video deposition is
11 being held in the matter of the National
12 Prescription Opiate Litigation for the
13 United States District Court, for the
14 Northern District of Ohio, Eastern
15 Division.

16 The deponent is Michael Chavez.

17 All parties to this deposition are
18 appearing remotely and have agreed to
19 the witness being sworn in remotely.

20 Due to the nature of remote
21 reporting, please pause briefly before
22 speaking to ensure all parties are heard
23 completely.

24 All counsel will be noted on the

1 stenographic record.

2 The court reporter is Carol Kirk,
3 and she will now swear in the witness.

4 - - -

5 MICHAEL CHAVEZ

6 being by me first duly sworn, as hereinafter
7 certified, deposes and says as follows:

8 CROSS-EXAMINATION

9 BY MR. BADALA:

10 Q. Good morning, Mr. Chavez. My name
11 is Salvatore Badala.

12 A. Good morning.

13 Q. Good morning. And we just met
14 just briefly before we started.

15 Have you ever been deposed before?

16 A. No, I don't -- no. This is a
17 first.

18 Q. Okay. All right. I'll tell you
19 some ground rules that we'll have. First, let's
20 start with, what is your current address?

21 A. 608 Earl North Road, Newnan,
22 Georgia. That's 30263.

23 Q. Do you have any plans to move in
24 the next year or so?

1 they had I guess in there with -- you know, that
2 DEA number, they wanted to see if there were any
3 obviously additional, you know, prescriptions in
4 there that were fraudulent.

5 Q. Okay. And it says, "There are PT
6 notes" -- that's patient notes?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes.

10 Q. -- "from August 2019 and
11 January 2020 stating that someone is using this
12 profile to fill fraudulent RXs. However, 1112
13 filled four RXs, and 0753 filled two RXs for
14 this patient since the first note was entered in
15 August."

16 Did I read that correctly?

17 A. Yes.

18 Q. So although there was a patient
19 note in the system stating that someone's using
20 this profile to fill fraudulent prescriptions,
21 Publix pharmacists at Stores 1112 and 0753 were
22 still filling these prescriptions.

23 Is that what that's saying?

24 A. Yes. It says they filled

1 prescriptions for that -- for that particular
2 patient and doctor despite a note being in the
3 system.

4 Q. And not just one prescription, at
5 least six prescriptions; is that right?

6 A. Yeah. Just for a pharmacist, the
7 patient note may not be their source of, you
8 know, due diligence when they're discerning care
9 with their patients.

10 Q. Wait. So a Publix pharmacist is
11 not looking at the patient notes when they're
12 dispensing to a patient at a Publix pharmacy?

13 MS. KAPKE: Object to form.

14 A. So, yeah, patient notes can be
15 used for various reasons. The pharmacist -- you
16 know, every pharmacist is an individual that's
17 probably, you know, going to use different --
18 you know, different methods to, you know,
19 discern care and fill prescriptions for their
20 patients.

21 Q. Then they write, "Please have your
22 pharmacies confirm that these eight
23 prescriptions are also fraudulent so we can
24 reverse them as well."

1 not her," two exclamation points. "ID of person
2 who dropped off script. Last name is Evans.
3 GADL number on hard copy of Percocets."

4 Did I read that correctly?

5 A. Yes.

6 Q. And there's another note a couple
7 months later in January 2020. Sabrina Fincher
8 wrote it: "Shanteisha Ervin DL" -- and we have
9 some redactions -- "is the one dropping off the
10 forgeries."

11 Did I read that correctly?

12 A. Yes.

13 Q. Okay. Even though these notes
14 were there, the pharmacists at Publix were still
15 filling these prescriptions which included
16 prescriptions for oxycodone, right?

17 A. The pharmacists at those three
18 stores at Publix, yes.

19 Q. Were filling those still?

20 A. Yes.

21 Q. And that's not a good thing,
22 right?

23 A. It would have been nice if they'd
24 looked at that note, because they would have

1 never filled it if they saw that note.

2 Q. Right. And would you agree
3 filling fraudulent prescriptions is not a good
4 thing?

5 A. No pharmacist ever wants to fill a
6 fraudulent prescription. So, yeah, I would
7 agree that that's not a good thing.

8 Q. It's also against the law to fill
9 a fraudulent prescription; is that right?

10 MS. KAPKE: Object to form.

11 Go ahead.

12 A. So knowingly filling a fraudulent
13 prescription, that prescription was written, and
14 based on the information presented, could not be
15 deemed fraudulent at that moment of filling.

16 Q. And going back to when we spoke
17 earlier, filling a forged prescription you told
18 me is diversion, right?

19 A. So filling a forged
20 prescription -- so basically knowingly
21 filling -- diversion is, what, loss of
22 inventory. I'm not -- so, yeah, I mean, filling
23 one could be considered diversion, for sure.
24 We've got medication in the wrong hands.